

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO,	:	APPEAL NO. C-090509
	:	TRIAL NOS. B-0809422
Plaintiff-Appellee,	:	B-0809621
vs.	:	<i>JUDGMENT ENTRY.</i>
VINCENT SPEARS,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Defendant-appellant, Vincent Spears, appeals the judgment of the Hamilton County Court of Common Pleas sentencing him to an aggregate term of 19 years' imprisonment for two counts of aggravated robbery with firearm specifications, two counts of robbery, and one count of having a weapon while under a disability. He was convicted of the offenses after entering guilty pleas.

In a single assignment of error, Spears now argues that the trial court imposed an excessive sentence.

Under *State v. Foster*,² trial courts have full discretion to impose a sentence within the statutory range. In this case, Spears committed the aggravated robberies while out on bond for the robbery charges, and he kicked two of the victims while

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

² 109 Ohio St.3d 1, 2006-Ohio-856, 845 N.E.2d 470.

holding them at gunpoint. Under these circumstances, the trial court did not abuse its discretion in imposing the 19-year prison term.

Although Spears emphasizes that the aggregate sentence exceeded the maximum sentence for the most serious offense for which he was convicted, that factor, standing alone, did not render the sentence excessive.³ Accordingly, we overrule the assignment of error and affirm the judgment of the trial court

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HILDEBRANDT, P.J., DINKELACKER and MALLORY, JJ.

To the Clerk:

Enter upon the Journal of the Court on March 31, 2010
per order of the Court _____.
Presiding Judge

³ See *State v. Johnson*, 174 Ohio App.3d 130, 2007-Ohio-6512, 881 N.E.2d 289, ¶17, jurisdictional motion overruled, 117 Ohio St.3d 1497, 2008-Ohio-2028, 885 N.E.2d 955.